S.B. Criminal Misc. Bail Application No.4822/2006

Date : 06.11.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. J.R. Choudhary for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that charge-sheet has been filed and after investigation police did not find any allegation proved so far as offence under Section 376 IPC is concerned. He submits that now investigation has been completed and the applicant is in jail and trial is likely to take long time, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has not controverted the fact that after investigation prosecution did not find any ingrident of Section 376 IPC prima facie established against the accused applicant.

I have considered the submissions made before me and carefully gone through the material available on record.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Parsa Ram S/o Jhumar Ram shall be released on bail in FIR No.119/06 P.S. Khinvsar, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant